



IMPROVING TEACHER QUALITY

NON-REGULATORY GUIDANCE



REVISED DRAFT

September 12, 2003

Academic Improvement and Teacher Quality Programs
Office of Elementary and Secondary Education
U.S. Department of Education



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE DEPUTY SECRETARY

September 12, 2003

Dear Colleagues:

I am pleased to share with you a revised version of the *Improving Teacher Quality Non-Regulatory Guidance*. We hope this guidance will be helpful as you work toward implementing the teacher quality provisions in *No Child Left Behind* and provide assistance and support for teachers around your State.

I want to encourage the State departments of education and related officials to take advantage of all the flexibility provided within the law to set certification standards that allow qualified individuals to enter teaching, target funds to improve teaching and learning through programs that work, and tailor this national initiative for excellence to the unique needs of your State.

In the coming months, the Department of Education's Teacher Assistance Corps will be visiting States to discuss these important issues. These groups of education experts, researchers, and practitioners are interested in hearing more about what is working in your State, sharing ideas that are working in other areas, providing advice on areas that are particularly challenging, and assisting States in setting and meeting goals. In this way, our offices can work together to determine the best way for your State to ensure that all children have excellent teachers.

Finally, thanks to you and your colleagues for your tireless efforts to improve education. America is on a fast track for increasing educational excellence. With this bold new law and support at the Federal, State, and local levels, the goal of leaving no child behind will soon become a reality.

In the next few weeks, we plan to consolidate this teacher quality guidance with expanded and updated guidance on the administration of the Title II, Part A *Improving Teacher Quality State Grants* program. Please do not hesitate to contact the Title II staff in the Office of Elementary and Secondary Education with any further questions or concerns. We are happy to assist in any way possible.

Sincerely,

Eugene W. Hickok
Acting Deputy Secretary

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A. OVERVIEW

The *No Child Left Behind Act of 2001* (NCLB), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), places a major emphasis upon the importance of teacher quality in improving student achievement. To help ensure that all teachers of core academic subjects are highly qualified no later than the end of the 2005-2006 school year, *Title II, Part A* of ESEA – the *Improving Teacher Quality State Grants program* – provides nearly \$3 billion a year to the States to prepare, train, and recruit high-quality teachers and principals. In 2002-03, approximately 93 percent of all school districts received *Title II, Part A* funds.

Since January 2002, State and local educational agencies, along with State agencies for higher education, have been working to implement the *Improving Teacher Quality State Grants* program. In designing their teacher training, recruitment and professional development activities, States must use scientifically based strategies that have been shown to increase student academic achievement. States are also required to develop annual measurable objectives to ensure that the State and its districts make progress each year in meeting the highly qualified teacher challenge.

The documents listed below provide important information regarding these funds and the need for highly qualified teachers.



The Secretary's *Second Annual Report on Teacher Quality* includes information on States' progress in raising standards for teachers while eliminating unnecessary barriers to teacher recruitment.

- As of October 2002, 35 States had developed and linked teacher certification requirements to student content standards and another 6 States were in the process of linking such standards.
- As of October 2002, all but 9 States had approved an alternative route to certification.
- 35 States require prospective teachers to hold a subject-area bachelor's degree for initial certification.
- All but 8 States require statewide assessments for beginning teachers and 32 States require teaching candidates to pass a test in at least one academic content area.
- However, many State regulations for certifying new teachers are still burdensome and impose a multitude of unnecessary conditions that teachers must meet before they are fully licensed to enter the classroom.



Education Week's *Quality Counts 2003* report shows that students in high-poverty schools are more likely to be taught by inexperienced teachers.

- At the *elementary level*, more than 13 percent of teachers in high-poverty schools have less than three years' experience, compared to fewer than 9 percent of teachers in low-poverty schools.
- At the *middle school level*, over 50 percent of students in high-poverty middle schools take a class with a teacher who hasn't acquired even a minor in the subject he/she teaches. This is compared to about 44 percent of middle school students nationwide.
- At the *high school level*:
 - About 32 percent of students in high-poverty secondary schools take a class with a teacher who hasn't acquired even a minor in the subject he/she teaches. This is compared to 22 percent of secondary school students nationwide.
 - Students in high-poverty secondary schools are twice as likely as those in low-poverty secondary schools to have a teacher who is not certified in the subject taught (26 percent versus 13 percent).
 - About 50 percent of all students in high-poverty secondary schools have teachers who have both majored in and become licensed in their subjects. This is compared to about 70 percent of all secondary students in low-poverty schools.

The *Improving Teacher Quality State Grants* program provides States and districts with the flexibility and opportunity to address the highly qualified teacher challenge in very creative ways. States may support the reform of traditional teacher training as well as the innovative expansion of alternative routes to teacher licensure. Additionally, *Title II, Part A* funds can support more effective in-service training and professional development for teachers currently in the classroom, with a focus on ensuring that teachers have a deep understanding of the core academic subjects they teach.

States are encouraged to reassess and restructure their certification systems and streamline these processes. States may also use program funds to address creatively such challenges as recruitment, retention, hiring, induction, professional development, and the need for more skilled principals and assistant principals to serve as effective school leaders.

This Guidance is intended to be a resource to State and local program administrators as they continue to work toward improving teacher quality and increasing student achievement. This version of the Non-regulatory Guidance includes new questions that

have arisen during program implementation, clarifies answers to prior questions, and removes questions that are now obsolete.

B. GENERAL INFORMATION

B-1. What is the purpose of the *Title II, Part A* program?

The purpose of *Title II, Part A* is to increase the academic achievement of all students by helping schools and school districts improve teacher and principal quality and ensure that all teachers are highly qualified. Through the program, State educational agencies (SEAs), local educational agencies (LEAs), and State agencies for higher education (SAHE) receive funds on a formula basis. Eligible partnerships consisting of high-need LEAs and institutions of higher education (IHE) may receive funds that are competitively awarded by the SAHE (see Section I).

In exchange, agencies that receive funds are held accountable to the public for improvements in academic achievement. *Title II, Part A* provides these agencies with the flexibility to use these funds creatively to address challenges to teacher quality, whether they concern teacher preparation and qualifications of new teachers, recruitment and hiring, induction, professional development, teacher retention, or the need for more capable principals and assistant principals to serve as effective school leaders.

B-2. Did this program exist prior to *No Child Left Behind*?

Title II, Part A replaces the Eisenhower Professional Development and the Class-Size Reduction programs. The Eisenhower program mostly focused on professional development in mathematics and science, while *Title II, Part A* can support teacher professional development across all core academic subjects. The importance of math and science remains a high priority, but many other activities are now allowed as well.

For the first time, States and LEAs are required to ensure that their strategies and funded activities are grounded in scientifically based research so that students benefit from teaching practices and methods that are based on what is known to work. *Title II, Part A* also gives schools and LEAs expanded flexibility to address their need for qualified teachers and principals not only through professional development for existing staff, but through efforts that include attracting qualified individuals into teaching and offering financial incentives and other structural changes to retain them.

B-3. How do the flexibility and transferability provisions of NCLB affect the *Title II, Part A* program?

The flexibility and transferability provisions, described in greater detail on the Department's website at www.ed.gov/nclb/freedom/local/flexibility/index.html, affect the *Title II, Part A* program as follows:

State-Flex (ESEA Sections 6141 through 6144)

An SEA with State-Flex authority may consolidate *Title II, Part A* funds that are available for State-level activities and State administration with certain other State-level funds, and use those funds for any ESEA purpose in order to make adequate yearly progress and advance the educational priorities of the State and the LEAs with which the State enters into performance agreements.

Within a State-Flex State, an LEA that enters into a performance agreement with its SEA may consolidate *Title II, Part A* funds with certain other Federal funds, and use those funds for any ESEA purpose consistent with the SEA's State-Flex plan in order to meet the State's definition of adequate yearly progress, improve student academic achievement, and narrow achievement gaps.

The SEA, and the LEAs with which the SEA enters into performance agreements, will provide for the equitable participation of students and professional staff in private schools consistent with Section 9501. Sections 9502, 9503, and 9504 apply to all services and assistance provided with the consolidated funds. (Additional guidance on the applicability of the equitable participation requirements to the State-Flex program is provided in the State-Flex application package, available at www.ed.gov/legislation/FedRegister/announcements/2002-4/101102e.html.)

Local-Flex (ESEA Sections 6151 through 6156)

An LEA that enters into a Local-Flex agreement with the Secretary may consolidate *Title II, Part A* funds with certain other Federal funds and, consistent with the purposes of the Local-Flex program, use those funds for any ESEA purpose in order to meet the State's definition of adequate yearly progress, improve student academic achievement, and narrow achievement gaps.

The local flexibility demonstration agreement shall contain an assurance that the LEA agrees that in consolidating and using funds under the agreement, the LEA will provide for the equitable participation of students and professional staff in private schools consistent with Section 9501. Sections 9502, 9503, and 9504 apply to all services and assistance provided with the consolidated funds. (Additional guidance on the applicability of the equitable participation requirements to the Local-Flex program is provided in the Local-Flex application package, available at www.ed.gov/legislation/FedRegister/other/2002-1/022202c.html.)

Transferability (ESEA Sections 6121 through 6123)

Under this flexibility authority, an SEA may transfer up to 50 percent of the non-administrative funds that it receives under certain Federal programs to other specified programs that address more effectively its unique needs or to its allocation under Part A of *Title I*. This authority allows a portion of an SEA's

State-level non-administrative funds to be transferred in to or out of the *Title II, Part A* program.

Likewise, an LEA (except an LEA identified for improvement or subject to corrective action under Section 1116(c)(9)) may transfer up to 50 percent of the funds allocated to it by formula under certain programs to its *Title II, Part A* allocation (or to other specified allocations) or to its allocation under Part A of *Title I*. An LEA may also transfer up to 50 percent of its *Title II, Part A* funds to certain other programs. (There are special transferability rules governing LEAs identified for improvement or corrective action.)

Each SEA or LEA that transfers funds under this section shall conduct consultations in accordance with Section 9501, if such a transfer moves funds from a program that provides for the participation of students, teachers, or other educational personnel, from private schools [Section 6123(e)(2)]. (Additional guidance on the application of the equitable participation requirements to the transferability authority is provided in the Department's transferability guidance, which is available on the Department's website at www.ed.gov/nclb/freedom/local/flexibility/index.html#trans.)

B-4. What is scientifically based research and how does it apply to this program?

Section 9101(37) of ESEA, as amended by *No Child Left Behind*, defines scientifically based research as “research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs.” The statute then explains that this kind of research:

1. Employs systematic, empirical methods that draw on observation or experiment;
2. Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
3. Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
4. Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
5. Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings, and

6. Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review. (It should be noted that a practitioner journal or education magazine are *not* the same as a peer-reviewed academic journal.)

The statute also requires that all SEA activities supported with program funds must be based on a review of scientifically based research. In addition, the SEA must maintain a written explanation of why it expects those activities to improve student academic achievement.

B-5. What general statutory and regulatory provisions apply to *Title II, Part A*?

Title IX of the ESEA contains general provisions that apply to *Title II, Part A*, as well as to other ESEA programs.

- Part A of *Title IX* contains definitions of many terms used in the ESEA.
- Part B of *Title IX* contains provisions regarding the consolidation of administrative funds.
- Part C contains provisions regarding consolidated State and local plans and applications.
- Part D contains provisions regarding waivers of statutory and regulatory requirements.
- Finally, Part E contains certain uniform provisions.

The General Education Provisions Act (GEPA), 20 U.S.C. 1221-1234i, also contains general statutory requirements applicable to most programs administered by the Department, including *Title II, Part A*. For instance, GEPA contains the “Tydings amendment,” which provides grantees an additional year to obligate funds under certain programs, including *Title II, Part A*. GEPA also includes provisions addressing such matters as forward funding, protection of students’ and parents’ privacy rights (FERPA), and various administrative appeal procedures.

There are no program-specific regulations for the *Title II, Part A* program. However, both the general provisions in Title 34 of the Code of Federal Regulations (CFR) Part 299 and the following parts of the Education Department General Administrative Regulations (EDGAR) apply to the program: 34 CFR Parts 76, 77, 80, 81, 82, 85, 97, 98, and 99. SEAs and LEAs are particularly encouraged to be familiar with Parts 76 and 80, as they address a range of matters important to the everyday administration of the *Title II, Part A* program.

B-6. Can funds from other programs authorized in *No Child Left Behind* be used to improve teacher quality?

Yes, other key programs authorized in NCLB provide funds that can be used to improve teacher quality. These include, but are not limited to:

- *Title I, Part A*, which requires that LEAs use at least 5 percent of their *Title I* funds for professional development activities to ensure that teachers who are not currently highly qualified meet that standard by the end of the 2005-06 school year [Section 1119(l)]. In addition, any school identified as in need of improvement for failing to make adequate yearly progress must spend 10 percent of its *Title I, Part A* funds on professional development, including teacher mentoring programs [Section 1116(c)(7)(A)(iii)].
- *Title I, Part B*, the *Reading First* program, which has grantees build on scientifically based reading research to implement comprehensive instruction for children in kindergarten through third grade. From the 20 percent State set-aside funds, 65 percent may be spent in preparing teachers through professional development activities so the teachers have tools to effectively help their students learn to read [Section 1202(d)(3)].
- *Title II, Part B*, the Mathematics and Science Partnerships program, which provides funding to SEAs to competitively establish IHE-LEA partnerships to enhance teacher subject-matter knowledge and the quality of teaching in mathematics and science [Section 2201(a)].
- *Title II, Part C*, the Troops-to-Teachers and Transition to Teaching programs, which support efforts to help school districts hire, train, and retain individuals from other careers and backgrounds as teachers in high-need schools [Sections 2303 and 2313].
- *Title II, Part D*, the Enhancing Education Through Technology program, under which each local recipient of funds must use at least 25 percent of those funds for ongoing, sustained, and high-quality professional development on the integration of advanced technologies into curriculum and instruction and on the use of those technologies to create new learning environments [Section 2416(a)].
- *Title III, Part A*, which authorizes LEAs to use formula grant funds for professional development of teachers providing instruction to students needing English language acquisition and language enhancement [Section 3111(a)(2)(A)].
- *Title V, Part A*, which authorizes LEAs to use formula grant funds to provide professional development activities carried out in accordance with

Title II, Part A, as well as to recruit, train, and hire highly qualified teachers to reduce class size [Section 5131(a)(1)].

- *Title VII, Part A*, the Indian, Native Hawaiian, and Alaska Native Education program, which requires a comprehensive program for meeting the needs of Indian children that, among other things, calls for professional development opportunities to ensure that teachers and other school professionals have been properly trained [Section 7114(b)(5)].

C. HIGHLY QUALIFIED TEACHERS

The purpose of *Title II, Part A* is to help States and school districts ensure that all students have effective teachers; that is, teachers with the subject-matter knowledge and teaching skills necessary to help all children achieve high academic standards, regardless of individual learning styles or needs. In this regard, the program provides substantial funding to help States and districts recruit, train, reward, and retain effective teachers. *Title II, Part A* and *Title I, Part A* also place particular emphasis on the need for States and districts to ensure that each teacher of a core academic subject meets certain minimum requirements on their way to becoming effective educators. These requirements – described in more detail below – are that highly qualified teachers will hold a bachelor’s degree, be fully licensed by the State, and demonstrate knowledge in the subject they are teaching.

All SEAs that receive *Title I, Part A* funds are required to develop a plan to have all teachers highly qualified no later than the end of the 2005-2006 school year. Each LEA within these States must ensure that all teachers of core academic subjects hired after the first day of the 2002–2003 school year and teaching in a program supported with *Title I, Part A* funds meet the highly qualified requirements. The LEA must also have a plan describing how it will meet the annual measurable objectives established by the SEA for ensuring that all teachers in the LEA are highly qualified by 2005-2006 [Section 1119(a)(1) and (3)].

General Information

C-1. What is the definition of a highly qualified teacher?

The requirement that teachers be highly qualified applies to all public elementary or secondary school teachers employed by a local educational agency who teach a core academic subject (see question C-2, below). “Highly qualified” means that the teacher:

1. Has obtained full State certification as a teacher or passed the State teacher licensing examination and holds a license to teach in the State, and does not have certification or licensure requirements waived on an emergency, temporary, or provisional basis;
2. Holds a minimum of a bachelor’s degree; and

3. Has demonstrated subject matter competency in each of the academic subjects in which the teacher teaches, in a manner determined by the State and in compliance with Section 9101(23) of ESEA.

The statutory definition includes additional elements that apply somewhat differently to new and current teachers, and to elementary, middle and secondary school teachers. The complete definition of “highly qualified teacher” is in Section 9101(23) of the ESEA and in Appendix A of this document.

C-2. What is meant by “core academic subjects”?

The term “core academic subjects” means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography [Section 9101(11)]. While the list of core academic subjects in the statute includes the arts, it does not define specifically which arts courses are core academic subjects. States may decide which arts courses will be considered as core academic subjects.

C-3. How does the State determine if a current teacher¹ (elementary, middle, or secondary) is highly qualified?

The SEA is responsible for developing and approving methods for ensuring that teachers have, in addition to a bachelor’s degree and full State certification, subject-matter competency and teaching skills. Teachers can demonstrate their competency and skills by (a) passing a rigorous State academic subject matter test, (b) in the case of middle or secondary school teachers, completing an academic major, graduate degree, coursework equivalent to an academic major, or advanced certification or credentialing, or (c) using the high, objective, uniform State standard of evaluation (HOUSSE) (see questions C-8 through C-10) [Section 9101(23)].

C-4. How does the State determine if *new elementary school teachers* have the subject matter knowledge and teaching skills that are needed of highly qualified teachers?

To meet the requirements of the law, new teachers at the elementary level must (1) hold at least a bachelor’s degree, (2) be licensed by the State, and (3) demonstrate, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary curriculum [Section 9101(23)(B)(i)]. While the Department is always willing to respond to inquiries from States, it is the responsibility of the SEA to identify and approve specific tests. We recommend that each SEA use the guidelines below to evaluate any tests that it wishes to consider for use in its State.

¹ A current teacher is a teacher who has already been hired by, and is teaching in, the school district.

The test may consist of a State-required certification or licensing test (or tests) in reading, writing, math, and other areas of the basic elementary school curriculum. The content of the test should be rigorous and objective and have a high, objective, uniform standard that the candidate is expected to meet or exceed. This standard must be applied to each candidate in the same way.

The purpose of the test is to establish the candidate's knowledge of content in reading, writing, math, and other areas of the basic elementary curriculum. The SEA may wish to go on record – via a resolution passed by the State Board of Education, for example – establishing which tests meet the State's criteria. Keeping such formal approvals on file, along with an explanation as to how the tests meet the criteria required by the law, would be one way for the State to demonstrate it is in compliance with the Section 9101(23) requirements.

C-5. How does the State determine if *new middle and high school teachers* have a high level of competence in each of the subjects the teacher will teach?

To meet the requirements of the law, new teachers at the middle and high school levels must (1) hold at least a bachelor's degree, (2) be licensed by the State, and (3) demonstrate their competence, in each of the core academic subjects the teacher teaches, by:

1. Completing an academic major, a graduate degree, coursework equivalent to an academic major, or advanced certification or credentialing, or
2. Passing a rigorous State academic subject test [Section 9101(23)(B)(ii)].

While the Department is always willing to respond to inquiries from States, it is the responsibility of the SEA to identify and approve such tests. We recommend that each SEA use the guidelines below to evaluate any subject matter tests that it wishes to consider for use in its State.

The academic subject test may consist of a State-required certification or licensing test (or tests) in each of the academic subjects in which a teacher teaches. The content of the test should be rigorous and objective, focus on a specific academic content area, and have a high, objective, uniform standard that the candidate is expected to meet or exceed. These standards must be applied to each candidate in the same way.

The purpose of the test is to establish the candidate's knowledge in a given subject matter. In addition, the test might be used to target the areas where additional coursework or staff development may be needed to help the teacher succeed at meeting the standard.

The SEA may wish to go on record – via a resolution passed by the State Board of Education, for example – establishing which tests meet the State's criteria.

Keeping such formal approvals on file, along with an explanation as to how the tests meet the criteria required by the law, would be one way for a State to demonstrate it is compliance with the Section 9101 requirements.

C-6. What is meant by “full State certification”?

Full State certification is defined by State policy. It means that the teacher has fully met those State requirements that apply to the years of experience the teacher possesses. For example, these requirements may vary for first-year teachers and current teachers. In addition, “full State certification” means that the teacher must not have had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

States are free to redefine, in accordance with State law, their certification requirements (for example, they may streamline their requirements if they determine that they are too onerous) or create non-traditional approaches to certification. For example, if State law so permits, a State may determine that an individual is fully certified if he or she has passed a rigorous assessment of his or her subject matter mastery, such as one of the assessments currently being developed by the American Board for Certification of Teacher Excellence. Such non-traditional approaches to full State certification are different from alternative route to certification programs (see C-7 below) because, in the former, the candidate is fully certified before he or she starts teaching.

C-7. When can a teacher in an alternative route to certification/licensure program be considered “highly qualified”?

Teachers who are not yet fully certified but participate in an alternative route to certification program may be considered to meet the certification requirements of the definition of a highly qualified teacher if they are participating in an alternative route program under which they: (1) receive high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction before and while teaching; (2) participate in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers, or a teacher mentoring program; (3) assume functions as a teacher only for a specified period of time not to exceed three years; and (4) demonstrate satisfactory progress toward full certification as prescribed by the State.

The State must ensure, through its certification and licensure process, that these provisions are met.

High Objective Uniform State Standard of Evaluation (HOUSSE)**C-8. What is meant by High Objective Uniform State Standard of Evaluation (HOUSSE) procedures?**

States have the option of developing a method by which current teachers can demonstrate competency in each subject they teach on the basis of a “high objective uniform State standard of evaluation” (HOUSSE). This standard must be one that, among other requirements, “provides objective coherent information about the teacher’s attainment of core content knowledge in the academic subjects in which a teacher teaches” [Section 9101(23)(c)(ii)(III)].

States can establish a process of evaluating teacher knowledge and ability based on a high, objective uniform State standard of evaluation that meets each of the following criteria [Section 9101(23)(C)(ii)]:

- Be set by the State for both grade-appropriate academic subject matter knowledge and teaching skills;
- Be aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;
- Provide objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;
- Be applied uniformly to all teachers in the same academic subject and teaching in the same grade level throughout the State;
- Take into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject; and
- Be made available to the public upon request.

The statute also permits the States, when developing their HOUSSE procedures, to involve multiple, objective measures of teacher competency. Each evaluation should have a high, objective, uniform standard that the candidate is expected to meet or exceed. These standards for evaluation must be applied to each candidate in the same way.

Where States choose to adopt this alternative means for assessing whether current teachers are highly qualified, we encourage them to consider going on record – via a resolution passed by the State Board of Education, for example – establishing how teachers of various subjects at different grade levels may meet the statutory criteria. Keeping such formal approvals on file, along with an explanation for how the demonstration of competency meets the criteria required

by the law, would be one way for a State to demonstrate that it has established procedures that conform to the Section 9101(23) requirements.

C-9. What factors should a State consider when developing its HOUSSE procedures?

In considering each of the statutory criteria when developing their HOUSSE procedures, States should consider the following factors:

- Do the proposed HOUSSE measures provide an “objective” way of determining whether a teacher has adequate subject-matter knowledge?
- Is there a strong and compelling rationale for each part of the HOUSSE procedures?
- Do the procedures take into account, but not primarily rely on, previous teaching experience?
- Does the plan provide solid evidence that the teacher has mastered the subject-matter content of each of the core academic subjects in which he or she is teaching? (Note: Experience and association with content-focused groups or organizations do not necessarily translate into an objective measure of content knowledge.)
- Has the State consulted with core content specialists, teachers, principals, and school administrators?
- Does the State plan to widely distribute its HOUSSE procedures and are they presented in an understandable format to all teachers?

C-10. Can a State adopt an additional set of HOUSSE procedures for a group of teachers who cannot readily be evaluated using the procedures the State would use for all other teachers?

Yes. States may use an additional set of procedures for HOUSSE, if necessary, if the regular procedures cannot readily be used to assess the subject-matter competency of a particular group of teachers, e.g., teachers who are recruited from other countries, so long as the State maintains high standards. While there would still be one overall standard of evaluation, a State could adopt a different set of HOUSSE procedures to assess whether teachers in a special group have met the standard of subject-matter competency.

Middle School Teachers

C-11. What are the requirements governing highly qualified middle school teachers?

New Middle School Teachers. A middle school teacher new to the profession must have (1) passed “a rigorous State subject test in each of the academic subjects in which the teacher teaches” [Section 9101(23)(B)(ii)(I)], or (2) have successfully completed, in each of the academic subjects the teacher teaches “an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing” [Section 9101(23)(B)(ii)(II)].

Current Middle School Teachers. Current middle school teachers may meet the subject matter competency requirement by completing one of the two options listed above for new middle school teachers [Section 9101(23)(C)(i)] or through the HOUSSE procedure established by the SEA.

C-12. How does a State determine whether teachers of core academic subjects in grades 6, 7, and 8 must meet the subject-area competency requirements for elementary or for middle school teachers?

The intent of the law is to ensure that each teacher of a core academic subject has sufficient subject matter knowledge and skills to instruct effectively in his or her assigned subjects, regardless of whether the school is configured as an elementary or a middle school. For instance, 8th-grade algebra teachers must have the same requisite skills and knowledge whether they are located in elementary schools or middle schools.

For the purpose of determining whether a teacher of a core academic subject in grades 6 through 8 must meet the subject-matter competency requirements for elementary or those for middle school teachers, States should examine the degree of rigor and technicality of the subject matter that a teacher will need to know in relation to the State’s content standards and academic achievement standards for the subjects in those grade levels. It is up to the State to make this decision.

C-13. Can a teacher with middle school certification be considered highly qualified?

Yes, a State may choose to issue a teacher certification specifically for middle school teachers, and that certification would meet the requirements of Section 9101(23)(A)(i). New teachers holding such a certification would be considered highly qualified if they hold a bachelor’s degree and, as part of the certification process, they are rigorously assessed on a State-approved test in their knowledge of each of the core academic areas they will be teaching. Alternatively, current middle school teachers with middle school certification would be considered highly qualified if they hold a bachelor’s degree and demonstrate subject-area competency for each core academic subject they teach. Current middle school teachers can demonstrate subject-area competency by either completing an academic major or coursework equivalent to an academic major, attaining an advanced degree or credential in the subject they teach, taking a subject matter

test, or successfully demonstrating competency in each subject they teach through their State's HOUSSE procedures.

C-14. Can middle school teachers take tests that are specifically developed and intended for middle school teachers, or do they have to pass exactly the same tests as high school teachers?

A State may approve rigorous content-area assessments that are developed specifically for middle school teachers and aligned with middle school content and academic standards.

C-15. May a middle school teacher who has passed a State “generalist” exam in math, science, English, and social studies be considered to have demonstrated subject competency – on the basis of passing the test – to teach middle school courses and, therefore, be a highly qualified teacher?

No. The law states that a middle school (and high school) teacher must demonstrate a high level of competence “in each of the academic subjects in which the teacher teaches” [Section 9101(23)(B)(ii) and (C)(ii)]. If a teacher does not meet this requirement on the basis of successful completion of an academic major or equivalent, the teacher either must, for each subject that he or she would teach, pass a rigorous State academic subject test or demonstrate competence through a HOUSSE procedure. Passing a generalist exam would not satisfy either test. (See C-17 for more information of taking a single exam for subject area competency.)

Demonstrating Subject-Area Competency

C-16. Is a teacher with an undergraduate degree or who has otherwise demonstrated subject-area competency in a specific scientific field (e.g., biology or chemistry) considered to be highly qualified to teach any science course?

No. Content knowledge in one scientific discipline does not necessarily mean that a teacher will have sufficient subject-matter competency in another. Middle and secondary school science teachers must demonstrate subject-matter competency appropriate to the specific courses they are teaching. For example, a teacher who majored in biology is not, on that basis alone, considered highly qualified to teach physics.

C-17. Can a teacher demonstrate subject-area competency in multiple subjects, e.g., civics and government, or chemistry and physics, through a single test?

For the purpose of demonstrating subject-matter competency, a State might offer a single test that covers more than one specialty area. To be able to determine whether a teacher who passes such a test is thereby highly qualified in the subjects it covers, the State would have to determine (as it would for a single-subject test)

that the test questions adequately cover the entire content area and that the teacher has successfully answered an adequate subset of those questions.

Which Teachers Must Be Highly Qualified?

C-18. Do teachers need to meet the highly qualified requirements if they are not teaching a core academic subject?

No, only teachers who teach core academic courses are required to meet the definition of a highly qualified teacher. (See C-2 for a definition of core academic subjects.)

C-19. How may a school district that brings in visiting international teachers comply with the requirement that all teachers be highly qualified?

NCLB requires each teacher of a core academic subject to be highly qualified, as defined and discussed earlier in this section of the Guidance. These requirements are essential to ensuring that all teachers of core academic subjects, whether they are recruited and hired from within the United States or from other countries, have the content knowledge and teaching skills needed to enable all students to succeed. The following sections explain how, consistent with the statutory requirements governing highly qualified teachers, school districts may continue to hire and employ visiting international teachers.

Bachelor's Degree

A foreign teacher will have met these requirements if he or she has received a degree from a foreign college or university that is at least equivalent to a bachelor's degree offered by an American institution of higher education (IHE). Agencies responsible for recruiting international teachers should ensure that they provide the LEAs who will hire these teachers documentation that each international teacher has received the necessary degree from a foreign (or domestic) IHE.

Full State Certification or Licensure

Section 9101(23) states that teachers who have had certification or licensure requirements waived on an emergency, temporary, or provisional basis would not be considered to be highly qualified. However, in examining the credentials of prospective visiting international teachers, States may find that their existing certification or licensure requirements (including those that govern testing) are ones that these prospective teachers could readily meet. Because each State continues to have full authority to define and enforce its own requirements that teachers must meet in order to receive full State certification or licensure, States that employ visiting international teachers may consider establishing a separate category of temporary certification that would differ from emergency or provisional certification in that the State would not be waiving any training or experiential requirements.

In designing this certification category, a State may want to establish interim requirements for international teachers that are tailored to (1) addressing the needs of LEAs within the State, and (2) its responsibility to ensure that visiting teachers have the knowledge and skills to warrant State certification.

This approach would be particularly useful for States and districts that employ, for no more than two years, international teachers who come to this country on an “H-1B” visa.

Competency in Subject Knowledge and Teaching Skills

The definition of a “highly qualified” teacher is very specific about the methods available for having a teacher demonstrate subject knowledge and teaching skills. Experienced international teachers (i.e., teachers who are not new to the field) can demonstrate the required subject competency and teaching skills either by passing subject-matter competency tests or by demonstrating competence on a “high, objective, uniform, State standard of evaluation.” These options are discussed below.

Subject-Matter Competency Tests:

For middle and high school teachers, Section 9101(23)(B)(ii)(I) and (II) permits a State’s new or existing middle and high school teachers to demonstrate the required subject-matter competency and teaching skills by ... “successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.” Therefore, international teachers who have successfully completed at least an academic major in the subjects that they would teach in U.S. schools have demonstrated the requisite competency in subject competency and teaching skills.

Prospective international teachers who did not major in the subject that they would be hired to teach in U.S. schools would need to take and pass the State test in the subject(s) they would teach. However, States have flexibility to determine that, for purposes of the international teachers, the subject tests they have passed in their own countries constitute a requisite “State test” for purposes of ESEA Section 9101(23).

For elementary school teachers, Section 9101(23)(B)(i)(II) permits a State’s new or experienced elementary school teachers to demonstrate the required subject competency and teaching skills by “passing a rigorous State test ... in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum).” Elementary school teachers may not demonstrate subject-matter competency by majoring in the subject to be taught in an IHE; however, the same options available for having middle and high school teachers

demonstrate subject competency and teaching skills also apply to elementary school teachers.

High Objective Uniform State Standard of Evaluation:

ESEA Section 9101(23)(C)(ii) permits any experienced teacher, without regard to whether the teacher has taught in U.S. schools or schools in other countries, to demonstrate subject competency and teaching skills through a State-established HOUSSE procedure. States may be able to find reasonable ways to apply their HOUSSE procedures to international teachers.

Whatever method a State and LEA may adopt to demonstrate that international teachers have the requisite subject competency and teaching skills before they are employed in U.S. schools, any institutions responsible for recruiting these teachers should be able to provide documentation that international teachers meet the ESEA requirements that govern highly qualified teachers.

C-20. Are early childhood or pre-kindergarten teachers subject to the highly qualified teacher requirements?

Teacher qualification requirements do not apply to early childhood or pre-kindergarten teachers unless a State includes early childhood or pre-kindergarten as part of its elementary and secondary school system. However, even if the ESEA's highly qualified teacher requirements do not apply to them in this case, States and districts should ensure that pre-kindergarten teachers have the necessary skills and knowledge to provide their students with successful school readiness skills.

C-21. How do the teacher quality requirements apply to individuals working in extended learning time programs?

If services offered outside of regular school hours in a Title I extended learning time program provide instruction in core academic subjects designed to help students meet State or local academic standards, the persons providing such core academic instruction must meet the highly qualified teacher requirements. In extended learning time programs (which can include summer school), the school's regular teaching staff extend or continue the school's instructional day using the same or similar curricula, and therefore they must be highly qualified. However, if the instructor is not an employee of the school district, the teacher quality requirements do not apply.

An extended learning time program that offers core academic instruction because an LEA has determined that particular students need additional time to learn to State standards can be distinguished from an after-school program offering academic enrichment, tutoring and homework assistance, including supplemental educational services under Section 1116 of *No Child Left Behind*. In the latter case, the highly qualified teacher (and paraprofessional requirements) do not

apply. It is up to the LEA to draw the distinction between extended time and enrichment programs.

C-22. Do teachers who primarily teach English language learners need to meet the highly qualified requirements?

Yes. If teachers of English language learners provide instruction in core academic subjects, they must meet the requirements of the law for highly qualified teachers, in addition to the ESEA *Title III* requirements for teachers of English language learners (an English proficiency test on oral, listening and reading comprehension, and on writing skills). A teacher who does not teach a core academic subject must still meet the *Title III* requirements in order to instruct English language learners.

C-23. Are charter school teachers required to be highly qualified under *No Child Left Behind*?

Yes, but States have the flexibility to determine whether charter school teachers must be fully certified. Charter school teachers still must hold at least a bachelor's degree and must demonstrate competence in the core academic areas in which they teach.

C-24. Do short- and long-term substitute teachers need to meet the highly qualified requirements?

Substitutes take the place of the teacher and, therefore, play a critical role in the classroom and the school. It is vital that they be able to perform their duties well. Although short-term substitutes do not need to meet the highly qualified teacher requirements, it is strongly recommended that a long-term substitute teacher, as defined by the State, meet the requirements for a highly qualified teacher as defined in Section 9101(23). In establishing a definition for a long-term substitute, SEAs and LEAs should bear in mind that the law requires that parents of children in Title I schools must be notified if their child has received instruction for four or more consecutive weeks by a teacher who is not highly qualified [Section 1111(h)(6)].

C-25. Are middle and high school teachers in small, rural schools required to be highly qualified for every core academic subject they teach?

Yes. All teachers who teach core academic subjects must be highly qualified in each subject they teach. Of course, small rural districts face special challenges in ensuring that all of their teachers are highly qualified no later than the end of the 2005-2006 school year. These districts and the States in which they are located should examine how the resources provided through *Title II, Part A*, coupled with those available through local, State, or other Federal programs, can be used to improve and expand professional development opportunities to help ensure that teachers (1) receive high-quality, content-specific professional development and

(2) can meet the State's HOUSSE standard for each subject they teach or pass subject-specific tests.

In addition to the professional development that rural districts can offer, they should also consider how distance learning arrangements that enlist the services of highly qualified teachers in other localities can help them meet the goal of having all the core academic subjects they offer taught by highly qualified teachers.

Schools may also hire experts (e.g., scientists, engineers, or artists) to provide content enrichment and practical applications to the content being taught. As long as these experts are assisting the regular teachers, they do not have to meet the highly qualified requirements.

C-26. Must special education teachers who teach core academic subjects be highly qualified?

Yes. Special education teachers who provide instruction in core academic subjects must meet the highly qualified teacher requirements for those core academic subjects that they teach. These requirements apply whether a special education teacher provides core academic instruction in a regular classroom, a resource room, or another setting.

C-27. What activities may special education teachers carry out if they are not highly qualified in the core academic content area being taught?

There are many activities that special education teachers may carry out that would not, by themselves, require those teachers to be highly qualified in a particular subject matter. Special educators who do not directly instruct students in any core academic subjects or who provide only consultation to highly qualified teachers of core academic subjects in adapting curricula, using behavioral supports and interventions, or selecting appropriate accommodations do not need to demonstrate subject-matter competency in those subjects. These special educators could also assist students with study skills or organizational skills and reinforce instruction that the child has already received from a teacher who meets the highly qualified requirements in that core academic subject matter.

States and districts should also consider the needs of special education teachers as they implement *Title II, Part A*, particularly for activities that relate to professional development and teacher certification reform. By coordinating the use of resources from other Federal programs, such as IDEA, States can ensure that Title II funds are used effectively to help establish a coherent and comprehensive system of ensuring teacher quality.

C-28. Are LEAs required to inform parents about the quality of a school’s teachers?

Yes. At the beginning of each school year, an LEA that accepts Title I, Part A funding must notify parents of students in Title I schools that they can request information regarding their child’s teacher, including, at a minimum: (1) whether the teacher has met the State requirements for licensure and certification for the grade levels and subject matters in which the teacher provides instruction; (2) whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; (3) the college major and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree; and (4) whether the child is provided services by paraprofessionals, and if so, their qualifications.

In addition, each Title I school must provide each parent “timely notice that the parent’s child has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who is not highly qualified.” [Section 1111(h)(6)]

D. PROFESSIONAL DEVELOPMENT

D-1. What is meant by “high-quality professional development”?

The term “high-quality professional development” means professional development that meets the criteria outlined in the definition of professional development in *Title IX*, Section 9101(34) of ESEA.

D-2. What strategies can States use to help LEAs adopt and implement more effective teacher professional development activities?

States can, for example: (1) develop guidance on effective strategies for improving teacher quality and provide that guidance to the LEAs; (2) adopt a formal statement of State priorities; (3) improve LEA technical assistance and monitoring; (4) sponsor conferences and other meetings that address issues related to improving teacher performance; and (5) disseminate information about successful programs and practices.

In providing this assistance, States should be sure to consider the needs of special education teachers so that a unified, comprehensive system of professional development is available to all who need to be highly qualified. States might also provide guidance to LEAs on effective ways of coordinating resources for professional development, such as those from IDEA, Part B.

D-3. What does the statute mean by authorizing LEAs to use program funds for “teacher advancement initiatives that promote professional growth and emphasis on multiple career paths such as paths to becoming a career teacher, mentor teacher, or exemplary teacher” [Section 2114(c)(14)]?

In some cases, the best career advancement option for teachers is to become school principals or LEA administrators. This leaves fewer excellent, experienced teachers working directly with children in the classroom. Multiple career paths for teachers provide professional opportunities to advance their careers without having to leave the classroom. For example, an LEA could establish a system whereby teachers could opt to pursue one of a variety of career paths, such as (1) a career teacher, staying in the classroom with traditional instructional duties, (2) a mentor teacher, staying in the classroom but taking on additional duties such as mentoring first-year teachers and receiving additional pay for these duties, or (3) an exemplary teacher, one who has a distinguished record of increasing student academic achievement, takes on additional duties of training other teachers to do the same, and receives additional pay for these duties.

LEAs are free to develop other approaches that fit their needs. LEAs are encouraged to help teachers advance their careers as teachers, rather than leaving the classroom for other opportunities.

D-4. Does the law contain any restrictions on the amount of *Title II, Part A* funds that an SEA may spend on professional development?

The law does not include any such restrictions. However, in considering how to spend its State-level funds, the SEA should focus on its need to ensure that all teachers it employs who teach in core academic subjects meet the requirements for a highly qualified teacher by the end of the 2005-2006 school year.

D-5. In many rural areas, offering professional development activities can be challenging because there may not be a critical mass of teachers who need help in the same subject matters. What does the Department recommend to address this situation?

Rural districts can offer distance-learning opportunities to provide teachers with professional development activities. Many State colleges and universities currently offer distance learning. Through distance learning a teacher in a rural area can take professional development courses that meet his/her specific needs. For example, the Department recently awarded a grant to the Western Governors University. This grant is being used to develop and implement teacher training and certification courses. The University’s website at <http://www.wgu.edu/wgu/index.html> explains how teachers from any location can access services.

APPENDIX A

Definitions, Acronyms, and Abbreviations

AYP: Adequate Yearly Progress

ARTS AND SCIENCES: When referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subjects in which teachers teach; and B) when referring to a specific academic subject, the disciplines or content areas in which an academic major is offered by an organizational unit [Section 2102(1)].

CHARTER SCHOOL: The term “charter school” means a public school that:

1. In accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;
2. Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
3. Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;
4. Provides a program of elementary or secondary education, or both;
5. Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
6. Does not charge tuition;
7. Complies with the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;
8. Is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;
9. Agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

10. Meets all applicable Federal, State, and local health and safety requirements;
11. Operates in accordance with State law; and
12. Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school [Section 5210(1)].

CSR: Class-Size Reduction

CORE ACADEMIC SUBJECTS: The term “core academic subjects means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography [Section 9101(11)].

THE DEPARTMENT: U.S. Department of Education

EDGAR: Education Department General Administrative Regulations

EISENHOWER PROGRAM: Eisenhower Professional Development Program

ESEA: Elementary and Secondary Education Act of 1965, as amended

ELIGIBLE PARTNERSHIP: This term includes a private or State institution of higher education and the division of the institution that prepares teachers and principals; a school of arts and sciences; and a high-need local educational agency; and may include another LEA, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a pre-kindergarten program, a teacher organization, a principal organization, or a business [Section 2131].

ESL: English as a Second Language

FY: Fiscal Year

HIGH-NEED LEA: An LEA that serves not fewer than 10,000 children from families with incomes below the poverty line; or for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing [Section 2102(3)].

HEA: Higher Education Act

HIGHLY QUALIFIED PARAPROFESSIONAL: A paraprofessional who has not less than 2 years of experience in a classroom; and post-secondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers [Section 2102(4)].

HIGHLY QUALIFIED TEACHER:

1. When the term “highly qualified teacher” is used with respect to any public elementary school or secondary school teacher teaching in a State, it means that:
 - a. The teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when the term is used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the certification or licensing requirements set forth in the State's public charter school law (*see entry below for the definition of a highly qualified charter school teacher*); and
 - i) The teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.
2. When the term “highly qualified teacher” is used with respect to:
 - a. An elementary school teacher who is new to the profession, it means that the teacher has met the requirements of paragraph (a) above, and:
 - i) Holds at least a bachelor's degree; and
 - ii) Has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of basic elementary school curriculum); or
 - b. A middle school or secondary teacher who is new to the profession, it means that the teacher has met the requirements of paragraph (a) above, holds at least a bachelor's degree, and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by:
 - i) Passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); **or**

- ii) Successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.
3. When the term “highly qualified teacher” is used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, it means that the teacher has met the requirements of paragraph (a) above, holds at least a bachelor's degree, and:
- a. Has met the applicable standard requirements, which includes an option for a test; **or**
 - b. Demonstrates competency in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that-
 - i) Is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;
 - ii) Is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;
 - iii) Provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;
 - iv) Is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;
 - v) Takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;
 - vi) Is made available to the public upon request; and
 - vii) May involve multiple, objective measures of teacher competency [Section 9101(23)].

HIGHLY QUALIFIED CHARTER SCHOOL TEACHER: Charter school teachers who teach core academic subjects must comply with any provision in a State's charter school law regarding certification or licensure requirements. A teacher in a charter school does not have to be licensed or certified by the State if the State does not require such licensure or certification. However, teachers of core academic subjects in charter schools must meet the other requirements that apply to public school teachers, including holding a four-year college degree and demonstrating competency in the

subject matter in which they teach. (See definition above for information on how teachers can demonstrate subject matter competence.)

HIGHLY QUALIFIED VOCATIONAL EDUCATION TEACHER: Only vocational education teachers who teach core academic courses are required to meet the definition of a highly qualified teacher. The term “core academic subjects” is defined in ESEA as “English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography”.

HIGH QUALITY PROFESSIONAL DEVELOPMENT: See the definition for “professional development”.

IHE: Institution of Higher Education

LEA: Local Education Agency

LOW-PERFORMING SCHOOL: The term “low-performing school” means an elementary school or secondary school that is identified under Section 1116 of ESEA.

NCLB: *No Child Left Behind*, the most recent amendment to ESEA

OMB: Office of Management and Budget

OUT-OF-FIELD TEACHER: A teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified [Section 2102(5)].

PARAPROFESSIONAL: A paraprofessional is an individual with instructional duties. Individuals who work solely in non-instructional roles, such as food service, cafeteria or playground supervision, personal care services, and non-instructional computer assistance are not considered to be paraprofessionals for Title I purposes.

PRINCIPAL: The term “principal” includes an assistant principal [Section 2102(6)].

PROFESSIONAL DEVELOPMENT: [Section 9101(34)] The term “professional development”:

1. Includes activities that:
 - a. Improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;
 - b. Are an integral part of broad schoolwide and districtwide educational improvement plans;
 - c. Give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State

academic content standards and student academic achievement standards;

- d. Improve classroom management skills;
- e. Are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom and are not 1-day or short-term workshops or conferences;
- f. Support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;
- g. Advance teacher understanding of effective instructional strategies that are:
 - i) Based on scientifically based research (except that this subclause shall not apply to activities carried out under Part D of Title II); and
 - ii) Strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and
- h. Are aligned with and directly related to:
 - i) State academic content standards, student academic achievement standards, and assessments; and
 - ii) The curricula and programs tied to the standards described in subclause (a) [except that this subclause shall not apply to activities described in clauses (ii) and (iii) of Section 2123(3)(B)];
- i. Are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;
- j. Are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
- k. To the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;

- l. As a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;
 - m. Provide instruction in methods of teaching children with special needs;
 - n. Include instruction in the use of data and assessments to inform and instruct classroom practice; and
 - o. Include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and
2. May include activities that:
 - p. Involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;
 - q. Create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under Part A of Title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and
 - r. Provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that is designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom [Section 9101(34)].

PUPIL SERVICES PERSONNEL; PUPIL SERVICES: The term “pupil services personnel” means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in Section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs. The term “pupil services” means the services provided by pupil services personnel [Section 9101(36)].

RFP: Request for Proposal

SCIENTIFICALLY BASED RESEARCH: The term “scientifically based research”:

4. Means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and
5. Includes research that--
 - a. Employs systematic, empirical methods that draw on observation or experiment;
 - b. Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
 - c. Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
 - d. Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
 - e. Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
 - f. Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review [Section 9101(37)].

SECRETARY: Secretary of Education, U.S. Department of Education

SAHE: State Agency for Higher Education

SEA: State education agency

STATUTE: The Elementary and Secondary Education Act of 1965 (ESEA), as amended by the *No Child Left Behind Act of 2001*

APPENDIX B

Title II, Part A Statute

PART A — TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND

SEC. 2101. PURPOSE.

The purpose of this part is to provide grants to State educational agencies, local educational agencies, State agencies for higher education, and eligible partnerships in order to —

- (1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and
- (2) hold local educational agencies and schools accountable for improvements in student academic achievement.

SEC. 2102. DEFINITIONS.

In this part:

- (1) **ARTS AND SCIENCES-** The term arts and sciences' means —
 - (A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subjects in which teachers teach; and
 - (B) when referring to a specific academic subject, the disciplines or content areas in which an academic major is offered by an organizational unit described in subparagraph (A).
- (2) **CHARTER SCHOOL-** The term charter school' has the meaning given the term in section 5210.
- (3) **HIGH-NEED LOCAL EDUCATIONAL AGENCY-** The term high-need local educational agency' means a local educational agency —
 - (A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or
 - (ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and
 - (B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or
 - (ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.
- (4) **HIGHLY QUALIFIED PARAPROFESSIONAL-** The term highly qualified paraprofessional' means a paraprofessional who has not less than 2 years of —
 - (A) experience in a classroom; and
 - (B) postsecondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers.
- (5) **OUT-OF-FIELD TEACHER-** The term out-of-field teacher' means a teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified.
- (6) **PRINCIPAL-** The term principal' includes an assistant principal.

SEC. 2103. AUTHORIZATIONS OF APPROPRIATIONS.

- (a) **GRANTS TO STATES, LOCAL EDUCATIONAL AGENCIES, AND ELIGIBLE PARTNERSHIPS-** There are authorized to be appropriated to carry out this part (other than subpart 5) \$3,175,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

SEC. 2111. ALLOTMENTS TO STATES.

- (a) **IN GENERAL-** The Secretary shall make grants to States with applications approved under section 2112 to pay for the Federal share of the cost of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).
- (b) **DETERMINATION OF ALLOTMENTS-**
 - (1) **RESERVATION OF FUNDS-**
 - (A) **IN GENERAL-** From the total amount appropriated under section 2103(a) for a fiscal year, the Secretary shall reserve —
 - (i) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and
 - (ii) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Affairs.
 - (2) **STATE ALLOTMENTS-**
 - (A) **HOLD HARMLESS-**
 - (i) **IN GENERAL-** Subject to subparagraph (B), from the funds appropriated under section 2103(a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and

the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 2001 under —

(I) section 2202(b) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

(II) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

(ii) Ratable Reduction- If the funds described in clause (i) are insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

(B) ALLOTMENT OF ADDITIONAL FUNDS-

(i) IN GENERAL- Subject to clause (ii), for any fiscal year for which the funds appropriated under section 2103(a) and not reserved under paragraph (1) exceed the total amount required to make allotments under subparagraph (A), the Secretary shall allot to each of the States described in subparagraph (A) the sum of —

(I) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(II) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(ii) EXCEPTION- No State receiving an allotment under clause (i) may receive less than one-half of 1 percent of the total excess amount allotted under such clause for a fiscal year.

(3) REALLOTMENT- If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate the amount of the allotment to the remaining States in accordance with this subsection.

SEC. 2112. STATE APPLICATIONS.

(a) IN GENERAL- For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) CONTENTS- Each application submitted under this section shall include the following:

(1) A description of how the activities to be carried out by the State educational agency under this subpart will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

(2) A description of how the State educational agency will ensure that a local educational agency receiving a subgrant to carry out subpart 2 will comply with the requirements of such subpart.

(3) A description of how the State educational agency will ensure that activities assisted under this subpart are aligned with challenging State academic content and student academic achievement standards, State assessments, and State and local curricula.

(4) A description of how the State educational agency will use funds under this part to improve the quality of the State's teachers and principals.

(5)(A) A description of how the State educational agency will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs.

(B) A description of the comprehensive strategy that the State educational agency will use, as part of such coordination effort, to ensure that teachers are trained in the use of technology so that technology and applications of technology are effectively used in the classroom to improve teaching and learning in all curricula and academic subjects, as appropriate.

(6) A description of how the State educational agency will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

(7)(A) A description of how the State educational agency will ensure compliance with the requirements for professional development activities described in section 9101 and how the activities to be carried out under the grant will be developed collaboratively and based on the input of teachers, principals, parents, administrators, paraprofessionals, and other school personnel.

(B) In the case of a State in which the State educational agency is not the entity responsible for teacher professional standards, certification, and licensing, an assurance that the State activities carried out under this subpart are carried out in conjunction with the entity responsible for such standards, certification, and licensing under State law.

(8) A description of how the State educational agency will ensure that the professional development (including teacher mentoring) needs of teachers will be met using funds under this subpart and subpart 2.

- (9) A description of the State educational agency's annual measurable objectives under section 1119(a)(2).
 - (10) A description of how the State educational agency will use funds under this part to meet the teacher and paraprofessional requirements of section 1119 and how the State educational agency will hold local educational agencies accountable for meeting the annual measurable objectives described in section 1119(a)(2).
 - (11) In the case of a State that has a charter school law that exempts teachers from State certification and licensing requirements, the specific portion of the State law that provides for the exemption.
 - (12) An assurance that the State educational agency will comply with section 9501 (regarding participation by private school children and teachers).
- (c) DEEMED APPROVAL- An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.
- (d) DISAPPROVAL- The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.
- (e) NOTIFICATION- If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall--
- (1) give the State educational agency notice and an opportunity for a hearing; and
 - (2) notify the State educational agency of the finding of noncompliance and, in such notification, shall--
 - (A) cite the specific provisions in the application that are not in compliance; and
 - (B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.
- (f) RESPONSE- If the State educational agency responds to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B), the Secretary shall approve or disapprove such application prior to the later of--
- (1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or
 - (2) the expiration of the 120-day period described in subsection (c).
- (g) FAILURE TO RESPOND- If the State educational agency does not respond to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

SEC. 2113. STATE USE OF FUNDS.

- (a) IN GENERAL- A State that receives a grant under section 2111 shall --
- (1) reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies as described in subpart 2;
 - (2) reserve 2.5 percent (or, for a fiscal year described in subsection (b), the percentage determined under subsection (b)) of the funds to make subgrants to local partnerships as described in subpart 3; and
 - (3) use the remainder of the funds for State activities described in subsection (c).
- (b) SPECIAL RULE- For any fiscal year for which the total amount that would be reserved by all States under subsection (a)(2), if the States applied a 2.5 percentage rate, exceeds \$125,000,000, the Secretary shall determine an alternative percentage that the States shall apply for that fiscal year under subsection (a)(2) so that the total amount reserved by all States under subsection (a)(2) equals \$125,000,000.
- (c) STATE ACTIVITIES- The State educational agency for a State that receives a grant under section 2111 shall use the funds described in subsection (a)(3) to carry out one or more of the following activities, which may be carried out through a grant or contract with a for-profit or nonprofit entity:
- (1) Reforming teacher and principal certification (including recertification) or licensing requirements to ensure that --
 - (A)(i) teachers have the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach; and
 - (ii) principals have the instructional leadership skills to help teachers teach and students learn;
 - (B) teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and
 - (C) teachers have the subject matter knowledge and teaching skills, including technology literacy, and principals have the instructional leadership skills, necessary to help students meet challenging State student academic achievement standards.
 - (2) Carrying out programs that provide support to teachers or principals, including support for teachers and principals new to their profession, such as programs that --
 - (A) provide teacher mentoring, team teaching, reduced class schedules, and intensive professional development; and
 - (B) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement standards and with the requirements for professional development activities described in section 9101.
 - (3) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers and principals, especially in the areas of mathematics and science, for highly qualified

individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers or principals.

(4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only —

(A) if the State educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and

(B) in a manner consistent with mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers and principals.

(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965.

(6) Providing professional development for teachers and principals and, in cases in which a State educational agency determines support to be appropriate, supporting the participation of pupil services personnel in the same type of professional development activities as are made available to teachers and principals.

(7) Developing systems to measure the effectiveness of specific professional development programs and strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach.

(8) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration of the programs carried out under this part, including provision of technical assistance to local educational agencies.

(9) Funding projects to promote reciprocity of teacher and principal certification or licensing between or among States, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

(10) Developing or assisting local educational agencies in the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

(11) Encouraging and supporting the training of teachers and administrators to effectively integrate technology into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability.

(12) Developing, or assisting local educational agencies in developing, merit-based performance systems, and strategies that provide differential and bonus pay for teachers in high-need academic subjects such as reading, mathematics, and science and teachers in high-poverty schools and districts.

(13) Providing assistance to local educational agencies for the development and implementation of professional development programs for principals that enable the principals to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards, and the development and support of school leadership academies to help exceptionally talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

(14) Developing, or assisting local educational agencies in developing, teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

(15) Providing assistance to teachers to enable them to meet certification, licensing, or other requirements needed to become highly qualified by the end of the fourth year for which the State receives funds under this part (as amended by the No Child Left Behind Act of 2001).

(16) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement.

(17) Funding projects and carrying out programs to encourage men to become elementary school teachers.

(18) Establishing and operating a center that —

(A) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and

(B) establishes and carries out programs to improve teacher recruitment and retention within the State.

(d) ADMINISTRATIVE COSTS- A State educational agency or State agency for higher education receiving a grant under this part may use not more than 1 percent of the grant funds for planning and administration related to carrying out activities under subsection (c) and subpart 3.

(e) COORDINATION- A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section.

(f) SUPPLEMENT, NOT SUPPLANT- Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES-

(1) IN GENERAL- The Secretary may make a grant to a State under subpart 1 only if the State educational agency agrees to distribute the funds described in this subsection as subgrants to local educational agencies under this subpart.

(2) HOLD HARMLESS-

(A) IN GENERAL- From the funds reserved by a State under section 2113(a)(1), the State educational agency shall allocate to each local educational agency in the State an amount equal to the total amount that such agency received for fiscal year 2001 under —

(i) section 2203(1)(B) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

(B) NONPARTICIPATING AGENCIES- In the case of a local educational agency that did not receive any funds for fiscal year 2001 under one or both of the provisions referred to in clauses (i) and (ii) of subparagraph (A), the amount allocated to the agency under such subparagraph shall be the total amount that the agency would have received for fiscal year 2001 if the agency had elected to participate in all of the programs for which the agency was eligible under each of the provisions referred to in those clauses.

(C) RATABLE REDUCTION- If the funds described in subparagraph (A) are insufficient to pay the full amounts that all local educational agencies in the State are eligible to receive under subparagraph (A) for any fiscal year, the State educational agency shall ratably reduce such amounts for the fiscal year.

(3) ALLOCATION OF ADDITIONAL FUNDS- For any fiscal year for which the funds reserved by a State under section 2113(a)(1) exceed the total amount required to make allocations under paragraph (2), the State educational agency shall allocate to each of the eligible local educational agencies in the State the sum of —

(A) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

(B) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESSMENT.

(a) IN GENERAL- To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(b) CONTENTS- Each application submitted under this section shall be based on the needs assessment required in subsection (c) and shall include the following:

(1)(A) A description of the activities to be carried out by the local educational agency under this subpart and how these activities will be aligned with —

(i) challenging State academic content standards and student academic achievement standards, and State assessments; and

(ii) the curricula and programs tied to the standards described in clause (i).

(B) A description of how the activities will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

(2) A description of how the activities will have a substantial, measurable, and positive impact on student academic achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students.

(3) An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that —

(A) have the lowest proportion of highly qualified teachers;

(B) have the largest average class size; or

(C) are identified for school improvement under section 1116(b).

(4) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs.

(5) A description of the professional development activities that will be made available to teachers and principals under this subpart and how the local educational agency will ensure that the professional development (which may include teacher mentoring) needs of teachers and principals will be met using funds under this subpart.

- (6) A description of how the local educational agency will integrate funds under this subpart with funds received under part D that are used for professional development to train teachers to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy.
 - (7) A description of how the local educational agency, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of activities to be carried out under this subpart and in the preparation of the application.
 - (8) A description of the results of the needs assessment described in subsection (c).
 - (9) A description of how the local educational agency will provide training to enable teachers to —
 - (A) teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;
 - (B) improve student behavior in the classroom and identify early and appropriate interventions to help students described in subparagraph (A) learn;
 - (C) involve parents in their child's education; and
 - (D) understand and use data and assessments to improve classroom practice and student learning.
 - (10) A description of how the local educational agency will use funds under this subpart to meet the requirements of section 1119.
 - (11) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).
- (c) **NEEDS ASSESSMENT-**
- (1) **IN GENERAL-** To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct an assessment of local needs for professional development and hiring, as identified by the local educational agency and school staff.
 - (2) **REQUIREMENTS-** Such needs assessment shall be conducted with the involvement of teachers, including teachers participating in programs under part A of title I, and shall take into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills, and to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet challenging State and local student academic achievement standards.

SEC. 2123. LOCAL USE OF FUNDS.

- (a) **IN GENERAL-** A local educational agency that receives a subgrant under section 2121 shall use the funds made available through the subgrant to carry out one or more of the following activities, including carrying out the activities through a grant or contract with a for-profit or nonprofit entity:
 - (1) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only —
 - (A) if the local educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and
 - (B) in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.
 - (2) Developing and implementing initiatives to assist in recruiting highly qualified teachers (particularly initiatives that have proven effective in retaining highly qualified teachers), and hiring highly qualified teachers, who will be assigned teaching positions within their fields, including —
 - (A) providing scholarships, signing bonuses, or other financial incentives, such as differential pay, for teachers to teach —
 - (i) in academic subjects in which there exists a shortage of highly qualified teachers within a school or within the local educational agency; and
 - (ii) in schools in which there exists a shortage of highly qualified teachers;
 - (B) recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades; and
 - (C) establishing programs that —
 - (i) train and hire regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);
 - (ii) train and hire highly qualified teachers of special needs children, as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students;
 - (iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals, and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and
 - (iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.
 - (3) Providing professional development activities--

- (A) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning--
 - (i) one or more of the core academic subjects that the teachers teach; and
 - (ii) effective instructional strategies, methods, and skills, and use of challenging State academic content standards and student academic achievement standards, and State assessments, to improve teaching practices and student academic achievement; and
- (B) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and that--
 - (i) involve collaborative groups of teachers and administrators;
 - (ii) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;
 - (iii) provide training in methods of--
 - (I) improving student behavior in the classroom; and
 - (II) identifying early and appropriate interventions to help students described in clause (ii) learn;
 - (iv) provide training to enable teachers and principals to involve parents in their child's education, especially parents of limited English proficient and immigrant children; and
 - (v) provide training on how to understand and use data and assessments to improve classroom practice and student learning.
- (4) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly within elementary schools and secondary schools with a high percentage of low-achieving students, including programs that provide--
 - (A) teacher mentoring from exemplary teachers, principals, or superintendents;
 - (B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively;
 - (C) incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic achievement; or
 - (D) incentives, including financial incentives, to principals who have a record of improving the academic achievement of all students, but particularly students from economically disadvantaged families, students from racial and ethnic minority groups, and students with disabilities.
- (5) Carrying out programs and activities that are designed to improve the quality of the teacher force, such as--
 - (A) innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, are consistent with the requirements of section 9101, and are coordinated with activities carried out under part D;
 - (B) development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning;
 - (C) tenure reform;
 - (D) merit pay programs; and
 - (E) testing of elementary school and secondary school teachers in the academic subjects that the teachers teach.
- (6) Carrying out professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders.
- (7) Hiring highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades.
- (8) Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.
- (10) Carrying out programs and activities related to exemplary teachers.
- (b) SUPPLEMENT, NOT SUPPLANT- Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

SEC. 2131. DEFINITIONS.

In this subpart:

- (1) ELIGIBLE PARTNERSHIP- The term eligible partnership' means an entity that —
 - (A) shall include —
 - (i) a private or State institution of higher education and the division of the institution that prepares teachers and principals;
 - (ii) a school of arts and sciences; and
 - (iii) a high-need local educational agency; and

(B) may include another local educational agency, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, a principal organization, or a business.

(2) LOW-PERFORMING SCHOOL- The term 'low-performing school' means an elementary school or secondary school that is identified under section 1116.

SEC. 2132. SUBGRANTS.

(a) IN GENERAL- The State agency for higher education for a State that receives a grant under section 2111, working in conjunction with the State educational agency (if such agencies are separate), shall use the funds reserved under section 2113(a)(2) to make subgrants, on a competitive basis, to eligible partnerships to enable such partnerships to carry out the activities described in section 2134.

(b) DISTRIBUTION- The State agency for higher education shall ensure that —

(1) such subgrants are equitably distributed by geographic area within a State; or

(2) eligible partnerships in all geographic areas within the State are served through the subgrants.

(c) SPECIAL RULE- No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under this section.

SEC. 2133. APPLICATIONS.

To be eligible to receive a subgrant under this subpart, an eligible partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may require.

SEC. 2134. USE OF FUNDS.

(a) IN GENERAL- An eligible partnership that receives a subgrant under section 2132 shall use the subgrant funds for —

(1) professional development activities in core academic subjects to ensure that —

(A) teachers and highly qualified paraprofessionals, and, if appropriate, principals have subject matter knowledge in the academic subjects that the teachers teach, including the use of computer related technology to enhance student learning; and

(B) principals have the instructional leadership skills that will help such principals work most effectively with teachers to help students master core academic subjects; and

(2) developing and providing assistance to local educational agencies and individuals who are teachers, highly qualified paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that —

(A) ensure that the individuals are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement;

(B) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school; and

(C) may include activities of partnerships between one or more local educational agencies, one or more schools served by such local educational agencies, and one or more institutions of higher education for the purpose of improving teaching and learning at low-performing schools.

(b) COORDINATION- An eligible partnership that receives a subgrant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section 203.